

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Khari Varner, Tera Strawter, J.K.V., K-
L.V.V., N.S.V., K.T.V.,

Plaintiffs,

v.

Sawnte Strawter, et al.,

Defendants.

Case No. 2:24-cv-00537-JAD-DJA

Order

Before the Court is Plaintiff Khari Varner's application to proceed *in forma pauperis*. (ECF No. 3). The Court finds that Varner's application is complete. However, the Court will require Plaintiff Tera Strawter to file a separate application to proceed *in forma pauperis* if Strawter wishes to continue in this action. Because the Plaintiffs have filed a complaint and two amended complaints that appear to supplement, rather than replace the original, the Court will also require Plaintiffs to file a single complaint that is complete in itself. Finally, because pro se parties cannot represent minor children in court, minor Plaintiffs must be represented by counsel.

I. The Court grants Varner's *in forma pauperis* application.

Varner submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them. (ECF No. 3). The Court will thus grant Varner's request to proceed *in forma pauperis*. However, "although only one filing fee needs to be paid per case, if multiple plaintiffs seek to proceed *in forma pauperis*, each plaintiff must qualify for [*in forma pauperis*] status." *Anderson v. California*, No. 10-cv-02216-MMA-AJB, 2010 WL 4316996, at *1 (S.D. Cal. Oct. 27, 2010). The application that Varner submitted is signed by Varner and appears to only provide Varner's financial information, not Strawter's. Without knowing each Plaintiff's financial circumstances, the Court cannot conclude that they are eligible to proceed *in forma pauperis*. See *Remmert v. Newsome*, No. 1:23-CV-00050-ADA-HBK, 2023

1 WL 1806277, at *2 (E.D. Cal. Jan. 31, 2023) (requiring each Plaintiff to submit their own
2 separate application if they wished to proceed *in forma pauperis*). The Court will thus order that,
3 if Strawter wishes to proceed in this matter, Strawter must file a separate application containing
4 only Strawter's financial information.¹

5 **II. Plaintiffs must file a single, complete complaint.**

6 The Plaintiffs have submitted a complaint and two amended complaints, each of which is
7 signed by both Varner and Strawter. (ECF Nos. 1-1, 1-2, 4, and 5). The amended complaints
8 appear to supplement, rather than replace the initial complaint. The Court will not piecemeal
9 Plaintiffs' complaint together from multiple filings. Plaintiffs' operative complaint must contain
10 all claims, attachments, and requests for relief that Plaintiffs wish the Court to consider.
11 Accordingly, the Court gives Plaintiffs leave to file a single, complete, amended complaint. If
12 Plaintiffs do not file an amended complaint, the Court will screen the initial complaint and will
13 not consider any of allegations or requests for relief included in Plaintiffs' two amended
14 complaints.

15 If Plaintiffs choose to file an amended complaint, they are advised that an amended
16 complaint supersedes (replaces) the original complaint, and previously filed amended complaints,
17 and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v.*
18 *Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a
19 party was named in the original complaint is irrelevant; an amended pleading supersedes the
20 original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for
21 claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent
22 amended complaint to preserve them for appeal). Plaintiffs' amended complaint must contain all
23 claims, defendants, factual allegations, attachments, and requested relief that Plaintiffs wish to
24 pursue in this lawsuit.

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26 ¹ Although J.K.V., K-L.V.V., N.S.V., and K.T.V. are also listed as Plaintiffs, the Court will not
27 require applications from them because, based on the filings in this action, they appear to be
28 minor children. (ECF No. 1-1 at 4); (ECF No. 4 at 4). And as addressed more fully herein, a
parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer.
See Johns v. Cnty. of San Diego, 114 F.3d 874, 877 (9th Cir. 1997).

1 **III. Plaintiffs must retain counsel for minor plaintiffs.**

2 If J.K.V., K-L.V.V., N.S.V., and K.T.V. are minors, Plaintiffs must retain counsel on their
3 behalf for J.K.V., K-L.V.V., N.S.V., and K.T.V.'s claims to proceed.² *Johns v. Cnty. of San*
4 *Diego*, 114 F.3d 874, 877 (9th Cir. 1997). A pro se party—even a parent or guardian—cannot
5 bring an action on behalf of a minor child without retaining a lawyer. *Id.* If Plaintiffs cannot
6 retain counsel on J.K.V., K-L.V.V., N.S.V., and K.T.V's behalf, they should not list them as
7 Plaintiffs in any amended complaint. If Plaintiffs do not amend their complaint and do not retain
8 counsel for the minor Plaintiffs, the Court will screen the original complaint and dismiss any
9 claims brought on J.K.V., K-L.V.V., N.S.V., and K.T.V's behalf.

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27 ² If J.K.V., K-L.V.V., N.S.V., and K.T.V. are not minors, Plaintiffs must either state so in any
28 amended complaint or, if they choose not to file an amended complaint, file a status report with
Court stating that they are not minors.

1 **IT IS THEREFORE ORDERED** that Varner's application to proceed *in forma pauperis*
2 (ECF No. 3) is **granted**.

3 **IT IS FURTHER ORDERED** that, if Strawter wishes to continue in this matter, Strawter
4 must file a *separate* application to proceed *in forma pauperis* on or before **May 13, 2024**.

5 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiffs
6 a copy of this order and a copy of the form application for a non-inmate to proceed *in forma*
7 *pauperis* and its accompanying instruction packet.

8 **IT IS FURTHER ORDERED** that Plaintiffs are granted leave to file a single, complete,
9 amended complaint. Any minor children who are Plaintiffs to the amended complaint must be
10 represented by counsel. If Plaintiffs choose to file an amended complaint, Plaintiffs must file that
11 amended complaint on or before **May 13, 2024**.

12 **IT IS FURTHER ORDERED** that if Plaintiffs do not timely file an amended complaint,
13 the Court will screen the original complaint (ECF Nos. 1-1, 1-2) and will not consider the
14 allegations or requests for relief included in Plaintiffs' amended complaints (ECF Nos. 4, 5).

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16 DATED: April 12, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE